

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 State Bar No. 161082  
LYN HUNTER  
4 Legal Analyst  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2250  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 **In the Matter of the Accusation Against:**

Case No. **2013- 741**

**ACCUSATION**

13 **SABRINA CELESTE CARTER**  
14 **a.k.a. SABRINA CARTER**  
11318 Revere Avenue  
Cleveland, OH 44105

15 **Registered Nurse License No. 670411**

16 Respondent.

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18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. On or about December 6, 2005, the Board of Registered Nursing issued Registered  
25 Nurse License Number 670411 to Sabrina Celeste Carter a.k.a. Sabrina Carter (Respondent). The  
26 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
27 in this accusation and expired on April 30, 2011.  
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2 JURISDICTION

3 3. This Accusation is brought before the Board of Registered Nursing (Board),  
4 Department of Consumer Affairs, under the authority of the following laws. All section  
5 references are to the Business and Professions Code unless otherwise indicated.

6 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
7 that the Board may discipline any licensee, including a licensee holding a temporary or an  
8 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
9 Nursing Practice Act.

10 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
12 licensee or to render a decision imposing discipline on the license. Under section 2811,  
13 subdivision (b) of the Code, the Board may renew an expired license at any time within eight  
14 years after the expiration.

15 6. Section 118, subdivision (b), of the Code provides that the expiration of a license  
16 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
17 within which the license may be renewed, restored, reissued or reinstated.

18 STATUTORY PROVISIONS

19 7. Section 2761 of the Code states:

20 "The board may take disciplinary action against a certified or licensed nurse or deny an  
21 application for a certificate or license for any of the following:

22 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

23 ...

24 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
25 against a health care professional license or certificate by another state or territory of the United  
26 States, by any other government agency, or by another California health care professional  
27 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
28 action."

1 COST RECOVERY

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 CAUSE FOR DISCIPLINE  
(Unprofessional Conduct - Out of State Discipline)  
(Bus. & Prof. Code § 2761, subd. (a)(4))  
9

10 9. Respondent has subjected her registered nurse license to disciplinary action under Code  
11 section 2761, subdivision (a)(4), in that on or about July 30, 2010, in a disciplinary action before  
12 the Ohio State Board of Nursing (Ohio Board), the Ohio Board issued an Adjudication Order  
13 suspending Respondent's license for an indefinite period of time, but not less than two years.

14 10. The Ohio Board's Order enumerated the following requirements and conditions for the  
15 reinstatement of Respondent's license: (1) submit a criminal background check to the Ohio  
16 Board; and (2) submit documentation of successful completion of five hours of each of the  
17 following continuing nursing education courses: Patient Safety, Critical Thinking, Ethics,  
18 Professionalism and Documentation. The Order also required Respondent to pay a \$500 fine.  
19 Following the reinstatement of Respondent's license, Respondent was to be subject to the  
20 following probationary terms, conditions and limitations for a minimum of two years: (1) must  
21 obey all laws; (2) required to appear before the board; (3) must notify the board prior to accepting  
22 employment as a nurse; (4) employer must submit written reports regarding job performance on a  
23 quarterly basis; and (5) must provide employer with a copy of the Final Order. The Order also  
24 placed Respondent on the following permanent practice restrictions such as: (1) Respondent shall  
25 not practice nursing as a registered nurse for agencies providing home care in the patient's  
26 residence, for staffing agencies or pools, as an independent provider where the nurse provides  
27 nursing care and is reimburse for services by the State of Ohio through state agencies or agents of  
28 the state, or for an individual or group of individuals who directly engage Respondent to provide

1 nursing services for fees, compensation, or other consideration as a volunteer; (2) Respondent  
2 shall not function in a position or employment where the job duties or requirements involve  
3 management of nursing responsibilities, or supervising and evaluating nursing practice; and (3)  
4 Respondent shall not function in a nursing position which would require respondent to provide  
5 direct, hands-on patient care to pediatric patients. The circumstances of the Ohio Board's Order  
6 are as follows:

7 11. On or about July 11, 2007, the Ohio Department of Job and Family Services issued a  
8 Final Adjudication Order that terminated Respondent's Medicaid Provider Agreement. The  
9 termination stemmed from an incident where a pediatric patient was found to be injured under  
10 Respondent's care. After the Final Adjudication Order was issued, Respondent submitted a  
11 license renewal application to the Ohio Board and answered "no" to the question on the  
12 application asking, in part, if any department or bureau, other than the Ohio Board, filed any  
13 charges, allegations, or complaints against her. On or about July 16, 2009, Respondent submitted  
14 an online renewal application to the Ohio Board and failed to disclose the termination of her  
15 Medicaid Provider Agreement, despite the question on the application asking, in part, if any  
16 department, other than the Ohio Board, in any way, limited, restricted, suspended, or revoked any  
17 professional license, certificate, or registration granted to her.

18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters alleged here,  
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 670411, issued to Sabrina  
22 Celeste Carter a.k.a. Sabrina Carter;

23 2. Ordering Sabrina Celeste Carter a.k.a. Sabrina Carter to pay the Board of Registered  
24 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to  
25 Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: March 13, 2013 *Louise Bailey*  
for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

SF2012901049